



**U.S. Department of Justice**

**Criminal Division**

*Office of Enforcement Operations*

*Washington, D.C. 20530*

**VIA Electronic Mail**

November 20, 2018

Beth France  
American Oversight  
Suite B255  
1030 15th Street NW  
Washington, DC 20005  
[beth.france@americanoversight.org](mailto:beth.france@americanoversight.org)

Request No. CRM-300678252  
Blumenthal et al., v. NARA, 18-cv-2143  
(D.D.C.)

Dear Ms. France:

This letter serves as the First Interim Response for the above referenced FOIA litigation, brought by Senators Blumenthal, Leahy, Whitehouse, Hirono, Booker, and Harris. Their request, dated August 8, 2018, sought certain records concerning Justice Brett Kavanaugh, from January 2001 to May 2006.

Please be advised that a search has been conducted in the appropriate section within the Criminal Division, and forty-seven pages have been processed for this response.

After carefully reviewing these records, I have determined that forty-seven pages are exempt from disclosure pursuant to:

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency communications protected by the presidential communications privilege and the deliberative process privilege; and

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

Additional responses on other records responsive to the Senators' request are forthcoming.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Although this matter is already the subject of litigation, I am obligated to inform you that if you are not satisfied with my response to this request, you may administratively appeal by

writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Amanda Marchand Jones  
Chief  
FOIA/PA Unit